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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,298	03/04/2002	Paul Jackson	BAI525-690/011056	6649

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EXAMINER

NATNAEL, PAULOS M

ART UNIT PAPER NUMBER

2622

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,298

Applicant(s)

JACKSON, PAUL

Examiner

Paulos M. Natnael

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-19 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend et al., U.S. 6,501,514 in view of Robbins, U.S. 6,317,882.

Considering claim 1, Townsend et al. (hereinafter, Townsend) discloses a digital TV receiving system comprising: a "broadcast data receiver" for receiving digital television signals transmitted on a plurality of channels wherein each digital comprises video and auxiliary (explicitly shown) and audio data (implicitly); (col.2, lines 51-54) a decoder that is operable on one channel for separating the video auxiliary information data wherein the video data can be provided to a television receiver for display on the TV's "display screen" (e.g. lines 54-57 of column 2); a store and processor combination which operate on the separated auxiliary information data to generate, under control of a viewer operable control device, signals which are outputted for display on the "display screen" in combination with the video signal. (Col. 2, lines 57-64) The signals derived from the separated information, e.g. those which are displayed with the video signal, comprise various forms of scheduling information which allows the viewer to

select/schedule various "event" for display/recording (lines 65-68 of column 4 and lines 1-68 of column 3). One feature that is provided by this scheduling information is the ability to "link" various events whereby when the user select one TV programming event for scheduled display/reception, the viewer is provided with prompts alerting him/her to related events which may also be selected for scheduled display/reception (e.g. subsequent episodes of a series). (see lines 40-59 of column 16).

Claim 1 differs from the showing of Townsend only in that Claim 1 indicates that the auxiliary information displays a "prompt"/indication for the next episode during or "at the end" of the first selected episode; and that the indication is based on information provided in a text display in said display screen.

Robbins discloses a system and method for automatically reminding a user of a receiver that a broadcast is on a data stream. Robbins illustrates that it was known to display an advertisement for a subsequent episode of a TV program during the display of a first episode of the TV programs wherein, via auxiliary information provided therein, the viewer can schedule the subsequent episode for viewing or display. At the time of the next episode, a prompt/reminder is displayed on the TV screen. (col. 5, 52-67) Furthermore, Robbins teaches that "...After activating the automatic reminder system, when the broadcast program is eventually broadcast, an ID code transmitted with the broadcast is detected, the ID code of the broadcast is compared with the previously stored ID code, and the system may: compile the information into a database that the viewer can access; automatically tune to the channel that is broadcasting the program at the time of the broadcast; display a message on the television when the program time

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arrives; automatically initiate the recording of a recording device; or take any other action to alert or make it easy for a viewer to remember to watch the program."

(emphasis added by examiner) col. 5, lines 67 thru col. 6, lines 11)

It would have been therefore obvious to those having ordinary skill in the television art to modify the system disclosed by Townsend by providing the additional scheduling feature shown to be desirable by Robbins, because when the subsequent episode immediately follows the first episode the prompt/reminder would necessarily be displayed near the end of the first episode; and because, as Robbins teaches, it would be desirable to display a message on the television screen when the program time arrives in order to alert or make it easier for a viewer to remember to watch the program.

With respect to claim 3, the claimed *end of the selected program* would impliedly be detected by the receiver which, otherwise, would be unable to display the desired prompt or alert for the next episode or program.

With respect to claims 4 and 5: The auxiliary information of the prior art represents and EPG and therefor carries all of the scheduling information.

With respect to claim 6: The reminder would have to include identifying data to enable the user to identify of what he/she is being reminded.

With respect to claim 7, see rejection of claim 1 above.

With respect to claim 8: The examiner takes Official Notice that EPG system typically include software to check/correct for overlapping events to prevent erroneous operation. It would at least have been obvious to one of ordinary skill in the art to have provided such a desirable feature in the modified system of Townsend.

With respect to claim 9: The reminder is impliedly a text message.

With respect to claim 10: The examiner takes Official Notice that it was notoriously well known in the display art in general, and the EPG art specifically, to display the overlay "transparently" to cause less interruption.

With respect to claim 11: The examiner takes Official Notice that it was notoriously well known in the display art in general, and the EPG art specifically, to provide means to turn off (i.e. disable) the overlay to eliminate interruption when heeded/desired.

With respect to claim 12: The examiner takes Official Notice that it was notoriously well known in the TV art to have provided alerts/warning audibly too in case the viewer is not paying attention to his receiver.

With respect to claim 13: The examiner only notes that the "nearer" recitation is a relative terminology; i.e. "nearer" with respect to what?

With respect to claims 14 and 16, see rejection of claim 1.

With respect to claim 15: The examiner notes that the period of display is impliedly programmed into the interface and, as such, making this an adjustable "preference" of the viewer interface would have been obvious to the skilled in the art.

With respect to claim 17 and 18, see rejection of claim 1.

With respect to claim 19, see rejection of claim 1.

Response to Arguments

3. Applicant's arguments filed April 17, 2006 have been fully considered but they are not persuasive.

The applicant argues that "However, such prompting which alerts the user of the '514 Townsend patent happens when the user is selecting movies to be included in a customized channel and not as in Applicant's invention when viewing a program which is a part of a series of programs. It is not necessary for the user of Applicant's invention to design a customized channel to be informed of details of scheduled display...."

The examiner submits that nowhere does Townsend disclose that their system requires "a customized channel" (whatever that means) to be informed of details of scheduled display. In fact, on column 4, lines 62-68 Townsend discloses data services to be transmitted in a single channel since the signals are digitally encoded data. Townsend discloses the signals derived from the separated information, e.g. those which are displayed with the video signal, comprise various forms of scheduling information which allows the viewer to select/schedule various "event" for display/recording (lines 65-68 of column 4 and lines 1-68 of column 3)

The scheduling system has the ability to "link" various events whereby when the user selects one TV programming event for scheduled display/reception, the viewer is provided with prompts alerting him/her to related events which may also be selected for scheduled display/reception (e.g. subsequent episodes of a series). (see lines 40-59 of column 16). Note here that Townsend uses as an example a series of James Bond movies, which is a desired series of programs that may be chosen by the user, and one of them may be considered an episode. When the viewer selects one movie the prompt alerts the viewer to other movies available during the season.

The applicant also argues that "The reminder system in the Robbins patent is activated by a system that will detect and store an ID code... [Conversely]...In applicant's invention the data processed by the receiver "allows" vide and/or text to be selectively viewed on the display screen....

Robbins teaches the details of its method of activating the reminder system. Showing how the system or the invention works in detail is a requirement in the

statute. The applicant argues the instant invention simply “allows” video/text to be viewed. The applicant does not explain how the invention allows such thing to happen. In other words, what does “allow” mean in this context, and how does the receiver “allow” that?

In contradistinction to the above, Robbins discloses that “...After activating the automatic reminder system, when the broadcast program is eventually broadcast, an ID code transmitted with the broadcast is detected, the ID code of the broadcast is compared with the previously stored ID code, and the system may: compile the information into a database that the viewer can access; automatically tune to the channel that is broadcasting the program at the time of the broadcast; display a message on the television when the program time arrives; automatically initiate the recording of a recording device; or take any other action to alert or make it easy for a viewer to remember to watch the program.” (emphasis added by examiner) col. 5, lines 67 thru col. 6, lines 11) Therefore, it would have been obvious to those having ordinary skill in the television art to modify the system disclosed by Townsend by providing the additional scheduling feature shown to be desirable by Robbins, because when the subsequent episode immediately follows the first episode the prompt/reminder would necessarily be displayed near the end of the first episode; and because, as Robbins teaches, it would be desirable to display a message on the television screen when the program time arrives in order to alert or make it easier for a viewer to remember to watch the program, the latter being the main purpose of the claimed invention.

Conclusion

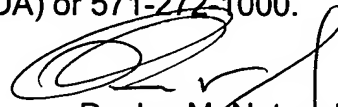
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 9am - 5:30pm M,W, F (7am-3:30pm T,Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paulos M. Natnael
Primary Examiner
Art Unit 2622

PMN
July 6, 2006